

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	
PROJECT VERITAS ACTION FUND,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 1:16-cv-10462-PBS
DANIEL F. CONLEY, in his official)	
capacity as Suffolk County District)	
Attorney,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S ASSENTED-TO MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Plaintiff Project Veritas Action Fund (“PVA”) respectfully submits this Motion for Entry of Stipulated Protective Order (attached as Exhibit A hereto). As grounds for this motion, Plaintiff states as follows:

1. PVA filed its second amended complaint on September 29, 2017. (Dkt. 83.)
2. On January 25, 2018, this Court granted PVA’s assented-to motion to extend discovery. (Dkt. 95.) Discovery must be completed by April 13, 2018, dispositive motions must be filed by May 11, 2018, and oppositions to dispositive motions must be filed by June 8, 2018. (Dkt. 95.)
3. PVA completed its responses to Defendant’s interrogatories, requests for admissions and requests for document production on February 9, 2018. Counsel for both parties conferred on February 27, 2018 in an effort to resolve the disclosure of additional documents. Counsel also conferred on scheduling depositions in March and April, prior to the discovery deadline.

4. PVA has agreed to disclose certain additional documents to the Defendant to illustrate its activities and methods by March 16, 2018. However, these files contain confidential information, and PVA is concerned that public disclosure of this will lead to annoyance and oppression. *See generally Branzburg v. Hayes*, 408 U.S. 665, 681–82 (1972).
5. Similarly, owing to the breadth of discovery permitted in depositions, PVA is concerned about the public disclosure of confidential information disclosed in depositions.
6. Although this case may be resolved by dispositive motions, Defendant has demanded a jury trial “on all issues so triable.” (Dkt. 84 at 7.) Thus, public disclosure of confidential information may be at issue in both the dispositive motions phase and at trial.
7. Defendant has assented to the attached protective order regarding disclosure of confidential information in future discovery, depositions, and potential trial.

WHEREFORE, for reasons set forth above, PVA respectfully requests this Court enter the protective order, attached hereto as Exhibit A.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Respectfully submitted,

PLAINTIFF,
PROJECT VERITAS ACTION FUND,

By its attorneys,

/s/ Stephen R. Klein

Stephen R. Klein (Pro Hac Vice)
500 Madison Street #419
Alexandria, VA 22314
734.233.1705 [Tel.]
stephen.klein.esq@gmail.com

Daniel J. Kelly, BBO# 553926
dkelly@mccarter.com
Gregory D. Cote, BBO# 645943
gcote@mccarter.com
McCarter & English, LLP
265 Franklin Street
Boston, MA 02110
617-449-6500 – o
617-326-3098 – f

Benjamin Barr (Pro Hac Vice)
benjamin.barr@gmail.com
444 N Michigan Ave. Suite 1200
Chicago, IL 60611
202-595-4671 – o

March 14, 2018.

CERTIFICATE OF SERVICE

I certify that a true copy of this document will be sent electronically by the ECF system to attorneys of record identified on the Notice of Electronic Filing.

/s/ Stephen R. Klein

Stephen R. Klein

March 14, 2018

CERTIFICATE OF CONFERENCE

Pursuant to LR 7.1(a)(2), I certify that all parties' counsel of record have conferred in a good-faith attempt to resolve or narrow the issues presented by this motion, and that the Defendant assents to this motion.

/s/ Stephen R. Klein

Stephen R. Klein

March 14, 2018